MEMORANDUM TO:

Mayor and City Council

FROM:

David B. Humpton, City Manager QB

DATE:

November 13, 2003

SUBJECT:

SDP-03-004 (Office/Retail) and SDP-03-005 (4 Pad Sites)

During their November 5, 2003 meeting, the Planning Commission recommended that the Mayor and City Council consider the option of deferring action on the SDP-03-005 until such time as the Master Plan Special Study Area review is completed. They further recommended a goal of completing this Special Study Area review by March 31, 2004.

As you know, most of our Special Study Area reviews to date have consisted of one stakeholders meeting and one joint work session; however, the Casey Metropolitan Grove Special Study Area required a much more detailed review involving a series of meetings.

The Market Square Advisory Committee recently discussed the process for the Market Square/Kentlands Square Special Study Area, and while they have not made a formal recommendation, it appears that they envision a very inclusive process that may require outside facilitation.

In the near future, I will be seeking guidance from the Mayor and City Council on the schedule for completing the Master Plan process, including the various elements (sensitive areas, transportation, historic preservation, etc.), and the remaining Special Study Areas. While I believe that the Market Square/Kentlands Square will require a detailed review involving all stakeholders, I think the goal of completing this review by March 31, 2004 is unrealistic, given the Mayor and City Council's schedule. Additionally, a budget issue will arise if the Mayor and City Council believe that outside facilitation is desirable.

As an alternative to deferring SDP-03-005, the Planning Commission has recommended approval. I concur with this recommendation and do not believe that this SDP would preclude any potential large scale redevelopment in the future.

Even if the Mayor and City Council approve SDP-03-005, the Saul Centers could not immediately begin construction of all four pad sites, due to the necessity of negotiating with Lowes and the adjoining property owner (Pension Fund). Given this uncertainty, I am recommending that the Mayor and City Council place a condition that indicates the approval expires for any of the buildings which are not completed or under construction within five years.

It is my recommendation that the Mayor and City Council suggest that the 6,000 square foot building identified as Phase I of SDP-03-005 be constructed concurrently with the two story office/retail building proposed by SDP-03-004. If this is the Mayor and City Council's desire, a condition to this effect should be placed on both SDP approvals.

We look forward to your guidance on both these SDPs.

dbh/cac

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

November 17, 2003

CALL TO PODIUM: Daniel Janousek, AICP

RESPONSIBLE STAFF:

Daniel Janousek, Long Range Planning

AGENDA ITEM:

(please check one)

(#) ⁵ ·	Presentation
1997	Proclamation/Certificate
t savet	Appointment
·	Public Hearing
e madi.	Historic District
. :	Consent Item
1171	Ordinance
11.0	Resolution
X	Policy Discussion
, 4 x 1	Work Session Discussion Item
ing tide	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	05-14-2003
	05-21-2003
Hearing Date	6-02-2003
Record Held Open	10-13-2003
Policy Discussion	11-17-2003

TITLE: Policy Discussion

SDP-03-005, Amendment to SDP 3 from 353,201 square feet of previously approved building area to 373,201 square feet of building area. The subject property is located at 317 Kentlands Boulevard, Kentlands, Section 1, Parcel L, Block Q and is bordered by Great Seneca Highway and Kentlands Boulevard. The subject property consists of approximately 33.75 acres of land and is zoned MXD (Mixed Use Development).

SUPPORTING BACKGROUND:

Attached are additional exhibits received since the joint public hearing on Monday, October 13, 2003. These are listed in bold type on the Index of Memoranda. The Mayor and City Council's record remains open.

At their meeting of November 5, 2003, the Planning Commission recommended that SDP-03-005 be deferred pending the completion of the Market Square Special Study Area of the Master Plan with a goal of its completion by March 31, 2004 (Exhibit #43). Alternatively, the Planning Commission stated that if the Mayor and City Council decide not to defer SDP-03-005, that the Planning Commission's original recommendation (Exhibit #12) of June 18, 2003, remain in effect.

DESIRED OUTCOME:

Policy Discussion and Staff Guidance.

Index of Memoranda

SDP-03-005 (Amendment to SDP 3) Saul Centers 317 Kentlands Boulevard

Updated November 17, 2003

'Bold' Attached

Numbe	r Exhibit
1.	Site Plan Application dated May 12, 2003
2.	Site location map
3.	Site Plan, Landscape Plan and Elevations
4.	Notice of Joint Public Hearing sent to Gaithersburg Gazette on May 13, 2003
5.	Notice of Public Hearing Sent May 15, 2003
6.	Parking Demand Analysis for Kentlands Square Shopping Center, May 13, 200 prepared by Wells and Associates.
7.	Resolution R-21-92 granting approval for Schematic Development Plan SDP 3
	known as Phase III, Section 1 of Kentlands, Phase 1 and 2 of the Beatty Open
	Center, dated March 2, 1992.
8.	Letter from McGuireWoods, LLP, to Mr. Dan Janousek, Planer, dated June 11
	2003.
9.	Letter from Wheeler & Korpeck, LLC, Attorneys at Law, to Mr. Daniel
	Janousek, Planner, dated June 13, 2003.
10.	Staff Analysis
11.	Memorandum from Mark Depoe to Planning Commission
12.	Communication: Planning Commission, June 27, 2003
13.	E-mail from Elly Shaw-Belblidia to the Mayor and City Council dated June 27 2003
14.	E-mail from Nora Caplin to Dave Humpton dated June 27, 2003
15.	E-mail from Richard L. Arkin to the Mayor and City Council dated July 1, 200
16.	E-mail from Brian O'Looney to Fred Felton dated June 13, 2003
17.	Joint Public Hearing Transcript, June 2, 2003
18.	City Council Minutes, June 2, 2003
19.	Planning Commission Minutes, June 18,2003
20.	Letter from John Collich to Dan Janousek dated July 1, 2003 (RE: Lowes)
21.	Letter from John Collich to Dan Janousek dated July 1, 2003 (RE: Kentlands
	Retails, Inc.)
22.	Letter from Wheeler & Korpeck, LLC, Attorneys at Law, to Mr. Daniel
:	Janousek, Planner, dated July 1, 2003.
23.	Reciprocal Easement Agreement (Access, Parking and Utilities)
24.	Letter from Robin P. Nickles to Daniel Janousek, dated July 2, 2003
25.	Letter from John Collich to Dan Janousek dated July 2, 2003
26.	City Council Minutes, July 7, 2003
27.	City Council Minutes, July 21, 2003
28.	Kentlands/Lakelands Community Input Meeting Report, August 26, 2003
29.	Joint Work Session Minutes, September 8, 2003

- 30. Revised Site Plan received September 18, 2003.
- 31. E-mail from Genie L. Tillisch to Mayor and City Council and Planning Commission dated September 23, 2003
- 32. E-mail from James Pash to Mayor and City Council and Planning Commission dated September 25, 2003
- 33. E-mail from Roy Fleischer to Mayor and City Council and Planning Commission dated September 25, 2003
- 34. Letter from Mike Watkins, DPZ, to Blanche Keller, Chairperson, and members of the Planning Commission, dated September 25, 2003.
- 35. E-mail from Richard Arkin to Mayor and City Council and Planning Commission dated September 26, 2003
- 36. E-mail from Eddie Sacks to Mayor and City Council and Planning Commission dated September 26, 2003
- 37. E-mail from Diane Dorney to Mayor and City Council and Planning Commission dated September 26, 2003
- 38. Letter from Roger K. Bain, Wheeler & Korpeck, LLC, to Mr. Daniel Janousek, Planner dated October 1, 2003.
- 39. Letter from Mike Watkins to Mayor that was read into the record by Brian Wright dated October 13, 2003.
- 40. Letter from Susy Lee and Brian Wright to Mayor and City Council and Planning Commission dated October 13, 203.
- 41. Revised site plan and elevations received October 29, 2003.
- 42. Letter with site plan revisions attached from John Collich to Blanche Keller, Chairperson, Planning Commission dated October 29, 2003
- 43. Communication: Planning Commission, November 10, 2003

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council

VIA:

David Humpton, City Manager

FROM:

Daniel Janousek, Planner

DATE:

November 10, 2003

SUBJECT:

SDP-03-005 - Saul Holding Limited Partnership c/o Saul Center

Amendment to approved Schematic Development Plan SDP-3, Kentlands Section 1, Parcel L/Block Q, from 353,201 SF of building area to 373,201 SF of building area, in accordance with §24-160D.11 and §24-198(c) of the City Code. The subject property is located at 317 Kentlands Boulevard, bordered by Great Seneca Highway and Kentlands Boulevard. The subject property consists of approximately 33.75 acres of land and is zoned MXD

(Mixed Use Development).

At its regular meeting on November 5, 2003, the Planning Commission made the following motion:

Commissioner Bauer moved, seconded by Commissioner Levy, that the Planning Commission strongly endorse as a preferred recommendation to the Mayor and City Council that SDP-03-005 be DEFERRED pending completion of the Market Square Special Study Area Master Plan with a goal of its completion by March 31, 2004.

Alternatively, the Commission indicated that if the Mayor and Council elect not to defer SDP-03-005, that the Planning Commission's original recommendation of June 18, 2003 (CPC dated June 27, 2003) remain in effect.

<u>Vote</u>: 5-0



SAUL CENTERS, INC.

7501 Wisconsin Avenue, Suite 1500, Bethesda, Maryland 20814-6522 (301) 986-6200

October 29, 2003

Hand Delivered

Chair Blanche Keller Planning Commission City of Gaithersburg 31 South Summit Avenue Gaithersburg, MD 20877

Re: SDP-03-004 SDP-03-005

Dear Chair Keller:

In an effort to clarify the recent discussions, we offer the following:

The total square footage for the proposed street edge remains the same, containing up to a total of 20,000 s.f.

• The street edge remains substantially similar to the previous layout with the exception of the relocation of a drive accessing the Lowe's parking lot which was previously located between Sites B and C and is now located between Sites C and D. The elevation for the street edge remains substantially similar with the outdoor patio areas and the architectural connections of the buildings.

The development of the street edge will be in phases as third party approvals are received from Lowe's and the adjoining property owner. The phases are anticipated to be as follows:

Phase 1: The development of Site B up to 6,000 s.f.

Phase 2: The development of Site C totaling not more than 12,000 s.f. for Sites B and C, including the outdoor seating area between Sites B and C. In addition, Phase 2 improvements will include the street edge improvements in front of Phase 3.

Phase 3: The development of Sites D and E, which will not exceed a total of 20,000 s.f., for Sites B, C, D, and E, collectively.

To further clarify the discussions, we are receptive in obtaining City approval for either Option A or B below:

Option A. Schematic Development Plan approval to allow the development of Sites B, C, D, and E, as outlined in the above phasing plan, with the understanding the Schematic Development Plan approval will be valid for a period of (5) years, with extensions as may be approved by the City Staff.

EXHIBIT S 1/2 SDP-05-005 Chair Blanche Keller October 29, 2003 Page 2 of 2

Option B. Schematic Development Plan approved for the development of Sites B and C, as outlined in the above Phases I and II. Sites D and E will require us to reapply for an amendment to the Schematic Development Plan.

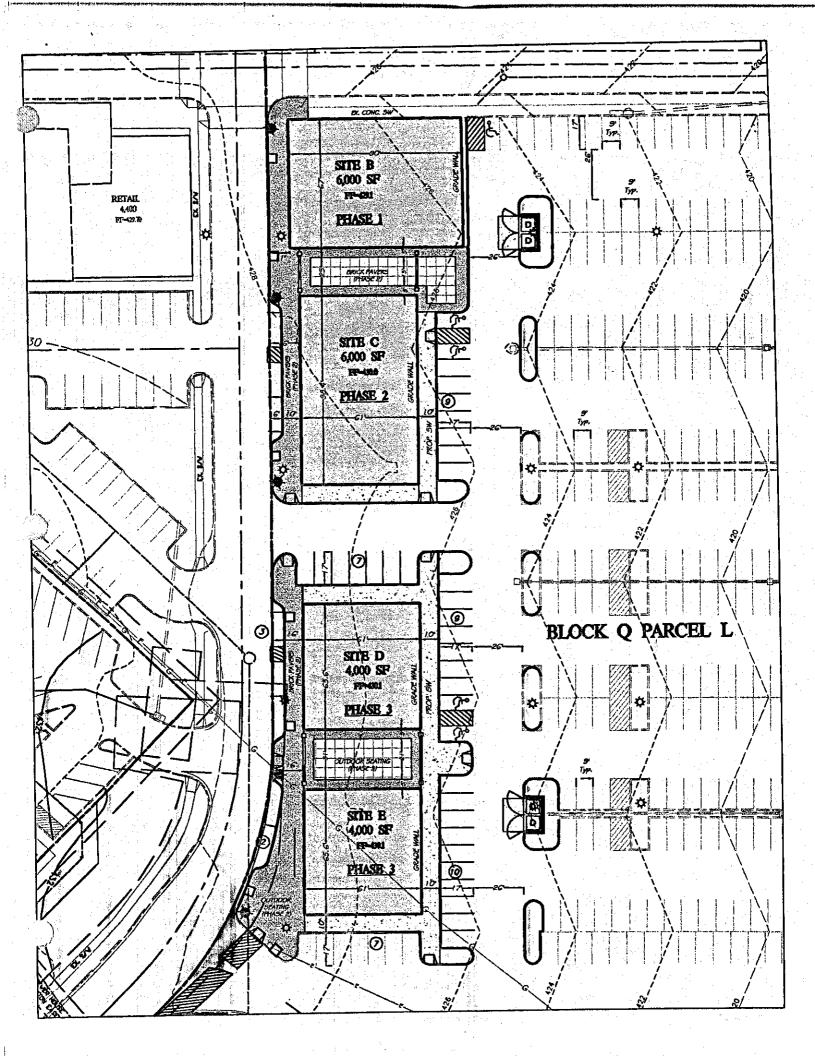
Chair Keller, it is our intention to move forward immediately with the development of the mixed-use office retail building under SDP-03-004 and Site B under SDP-03-005. It is our desire to have these facilities operational in Fall 2004. We trust the above clarifies our discussions. Should you require any additional information, please feel free to contact me at (301) 986-6134.

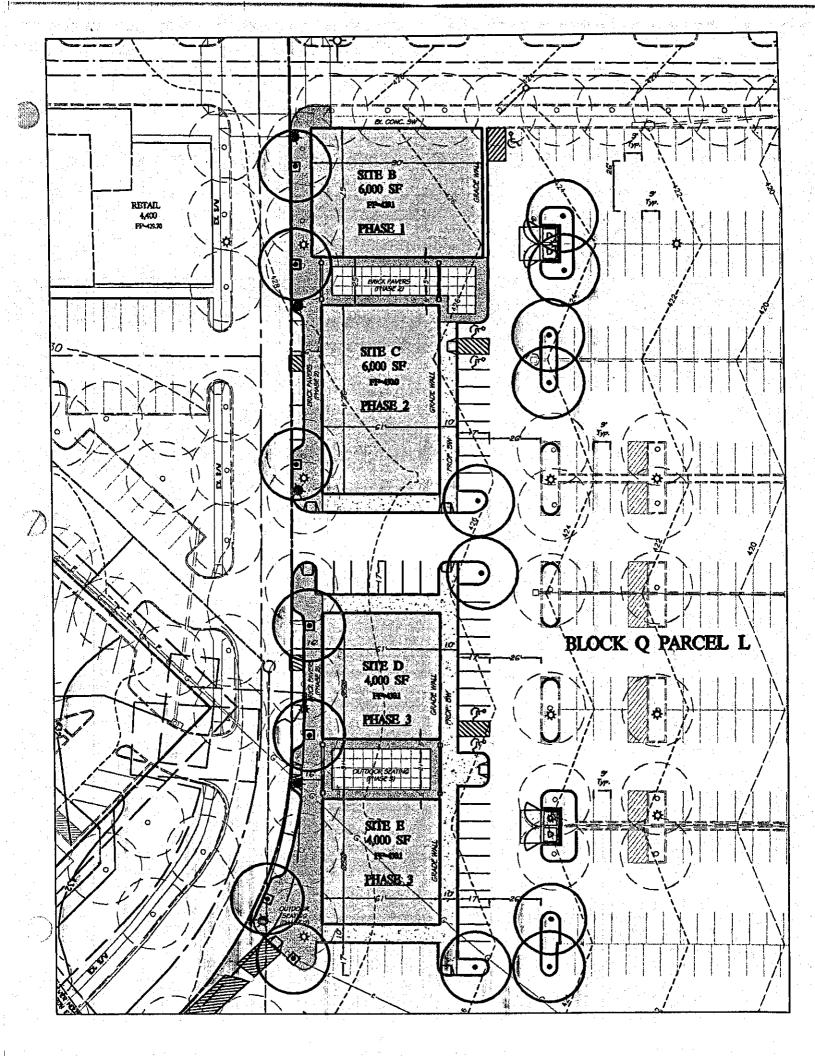
Sincerely,

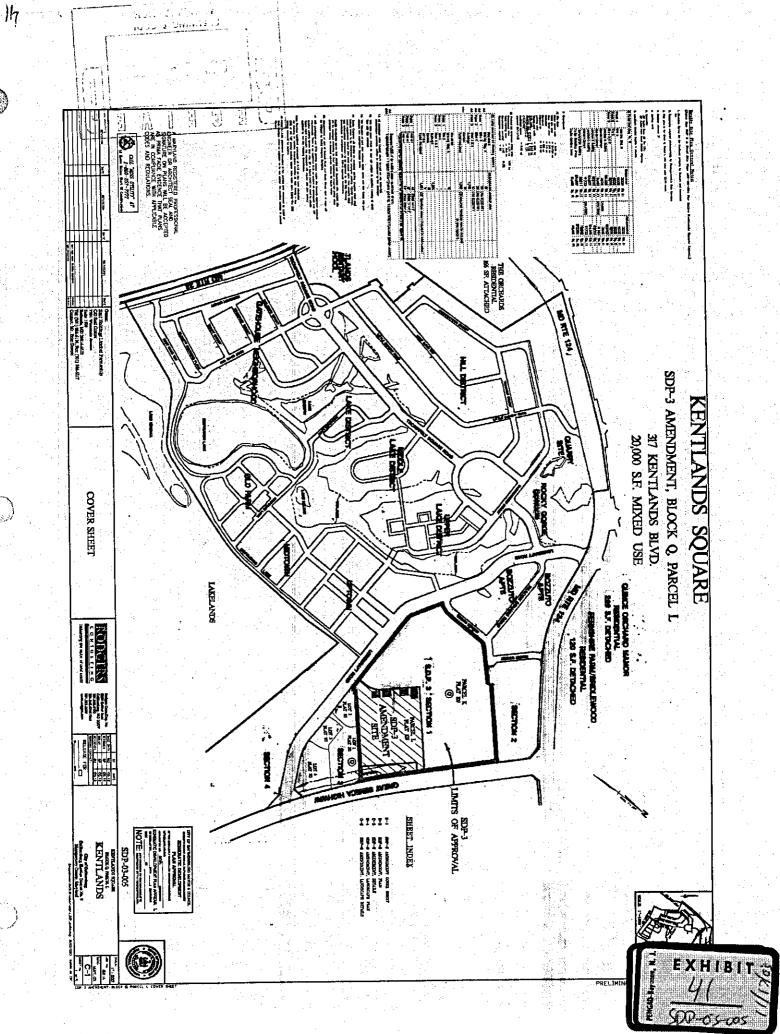
John Collich

Senior Vice President

1W: 102803gaith.let.doc JC/cag

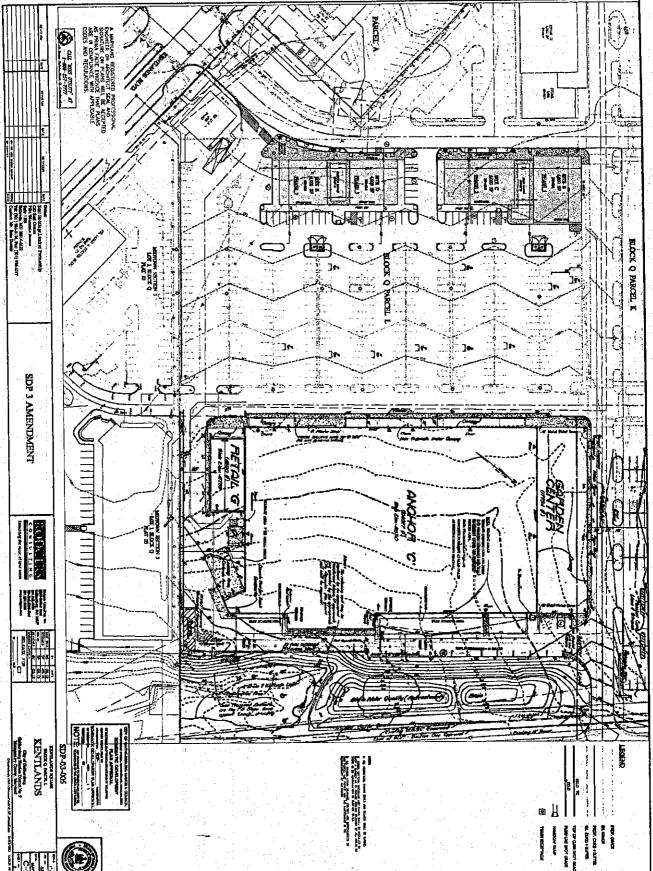






.

lh



PRELIMINARYNOT FOR CONSTRUCTION

PRELIMINARYNDT FOR CONSTRUCTION



14

th

Beatty Site Plan General Notes:

(Note: See SDP 3 & Final Site Plan AFP-00-004 For Entire Kentlands Square Layout.)

- 1. Boundary Survey for the Kentlands property by Rodgers and Associates Inc.
- 2. Topography prepared photometrically by Photogrammetric Data Services.
- 3. This plan is for Block Q, Parcel L with total area 33.75 acres.
- 4. Contour interval: 2'.
- 5. Zoning: MXD.
- 6. Setbacks:
 - 25' buffer from MD Rte 124.
 - 25* buffer from Great Seneca Highway.
- 7. Maximum building height: 4 stories.

8. <u>Total bu</u>	uilding Sq. ft					
3		Gross Area			Net Leasable	
	Existing Bldg. A	3,000	Sq. Pl		3,000	Sq. Ft
hase 1	Site B	6,000	Sq. Pt		6,000	Sq. Ft
hase 2	Site C	6,000	Sq. Pl		6,000	Sq. Rt
hase 3	Sites D& E	8,000	Sq. Pt	*	8,000	Sq. Pt
er Brok	Anchor A Building	104,229	Sq. Pt		103,763	Sq. Ft
7 H	Garden Center	3,575	Sq. Ft	(Inside)	3,575	Sq. Pt
	Garden Center	9,160	Sq. Pl	(Out Side)	9,160	Sq. Ft
:	Anchor B Building	62,000	Sq. Pt		62,000	Sq. Ft
	Anchor C Building	104,827	Sq. Ft		104,476	Sq. Pt
	Garden Center	17,733	Sq. Pt	(Out Side)	17,733	Sq. Ft
	Non Anchor Building	80,611	Sq. Fl		79,962	Sq. Ft
	Total Building Area	374,667	Sq. Pt	***************************************	373,201	Sq. Pt
. "	Total Garden Area	30,468	Sq. Ft		30,468	Sq. Pt

9. Greenspace:

A) Site Area:

Green space area = 6.36 ac
Total site area = 33.758 ac
Misc. Green Area = 2.6 ac
Sidewalks = 1.5 ac
Canopies = 0.5 ac
Adjacent to = 1.6 ac
parking area

Towers and walls = 0.01 ac
Tree wells = 0.13 ac
Building vine planters = 0.02 ac
Provided/Approved = 19%

(12/9/92)

Additional space = 0.15 ac

provided (5/12/93)

B) Parking lot landscape Areas only:

Greenspace Area = 1.71 ac 1.86 ac

Total Parking Area = 15.9 ac

Greenspace provided = 11% 11.7%

Greenspace required = 5%

0. Total n	umber of Parking spaces						
	Required	Base on Net L	.easable A	rea			
*************************************	Existing Bldg. A	15					
hase 1	Sites B	30	(For 6,000	SF)	(*************************************		
hase 2	Sites C	30	(For 6,000	SF)			
hase 3	Sites D & E	40	(For 8,000	SF)		:	
***************************************	Buildings	1,751			<u> </u>		
	Garden	43					
**************************************	Total required	1,909	(30 required handicap spaces included				
					n total number).	
<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>	Provided				***************************************		
·····	Existing Bldg. A	15					
Phase 1	Site B	-					
Phase 2	Site C	-					
Phase 3	Sites D & E	-					
·-····································	Buildings	1,606					
	Garden	43				1 1 1 1	
·····	Off Site	17		<u></u>			
	Total Provided	1,681	(37 Handi	cap space	s included in to	otal number)	
Phase 1	Walver	44	(Total 44	\+/ -)*	1		
Phase 2	Waiver	67	(Total 11				
Phase 3	Waiver	117			• 1. 15 (1. <u>8</u>		
	*Exact waiver for parking spaces to be determined at site plan approval.						
	5 spaces/1,000 sf for buildin	n area regardk	ess of use.				

- All pedestrian walks (except where located on city property), conservation easement, buffers to maintained by the developer.
- 12. Tree save areas shown on plan are subject to selective clearing of small tree with City approval.
- 13. The inclusion of park area between Booth street and this Beatty site plan amends and supersedes Bozzutto plans.
- 14. Beatty Company will develop an employee parking program which shall include areas to be designated for employee parking, signage thereof, least requirement thereof (for retail stores other than anchors only) and enforcement mechanism to be approved by the City Planning Commission, in compliance with SDP—3 approved resolutions.

Beatty Companies agrees that parking lots associated with subject site will be managed according to their established corporate policy which precludes towing of licensed vehicles without 18 hours notice.

- 15. Abandonment of part of Hartnoll Road and Booth Street right of ways will be initiated by Beatty Company Complete.
- *1 19% greenspace and 1772 parking spaces meets the formerly approved minimum requirements. There is an additional 0.15 ac surplus of greenspace and 107 surplus parking spaces that may (@ a future date) be used to create future retail expansion. Any expansion will require site plan review/approval by the City Planning Commission.

Note: Previous additional greenspace of 0.15 ac has been eliminated for Building 'H' addition. Greenspace remains at 19%. Twenty — two (22) of the 107 surplus parking spaces have been used. Eighty—five (85) spaces remained as surplus.

•2 Notes: 5.12.00, greenspace increased 217sf, parking area decreased by 3,290 sf.

Both changes where so negligible as to not change the previous acreage & percent figure.

DUANY PLATER~ZYBERK & COMPANY ARCHITECTS AND TOWN PLANNERS

October 13, 2003

Mayor Sidney Katz, City Council, Planning Commission City of Gaithersburg 31 South Summit Avenue Gaithersburg, MD 20877-2098

Mr. Mayor, members of Council, members of the Planning Commission:

The additional commercial square footage requested by Saul Centers, which nearly doubles that to which they are entitled, should not be granted for the following reasons:

1. There is no master plan in place to assure that it is consistent with future growth—clearly a purpose of the MXD, Mixed-Use Development Zone.

2. There are no design standards in place—another requirement of the MXD zone. Architecture, though subject to review by the Planning Commission need not meet any kind of objective standards that would assure its compatibility with Kentlands and Lakelands.

3. The second floor of the building behind the gas station entitles the developer to 50% more square footage, but in a location that contributes nothing to the community—certainly not to the pedestrian experience.

4. Any additional should be proposed along the primary pedestrian routes to reinforce the walkability of the place. The first of these routes that should be lined with buildings is the one connecting Blockbuster to Lowes. The proposal of now one, but formerly three new buildings, on a travel lane that only connects two parking lots makes it highly unlikely that anyone will every walk to this place.

5. Of course, in response to the previous point, we will be told that Lowe's will object to this location. But we don't know this for a fact because the applicant refuses to arrange for us to meet with Lowes. Furthermore, Lowes has not yet approved the proposed location, either.

6. The proposed buildings by Blockbuster are only one-story. Pedestrians would benefit from the improved quality of the streetscape if these buildings had a habitable second floor.

7. The addition of more tenants in this area will only strengthen the chorus of those that don't want any more changes to this area—just as Lowe's is allegedly doing know. A master plan should be developed and any future tenants in the area required to acknowledge it and not oppose it *before* they sign a lease. Without such a plan, future appropriate development will be much more difficult.

No additional commercial or residential space should be approved for this or any other developer that does not reinforce the compact, mixed-use, pedestrian-friendly design principles on which Kentlands and Lakelands are based.

Sincerely

Kentlands resident and employee

Brian Wright

Lakelands resident and employee

\\GATEWAY-DC-SERV\public\8805 Kentlands\Saul Centers\Saul Centers 03 10 11.doc



DUANY PLATER~ZYBERK & COMPANY ARCHITECTS AND TOWN PLANNERS

October 13, 2003

Sidney Katz, Mayor
City Council
Planning Commission
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2098

(read into the record by Brian Wright for Mike Watkins who was unable to attend due to a prior commitment)

Mr. Mayor, members of Council, members of the Planning Commission:

The additional commercial square footage requested by Saul Centers, which nearly doubles that to which they are entitled, should not be granted without the provision of a master plan for this area. It is surprising that a City typically cautious, even reluctant, to approve new growth now appears anxious to nearly double the commercial space this developer is able to build—and to do so with no master plan in place!

Kentlands and Lakelands were designed as compact, mixed-use, pedestrian-friendly neighborhoods. Saul Centers is proposing pad sites in a parking lot. The two are not complimentary.

Please do not allow them to do more than they are entitled without first making certain that the additional development benefits the community and the city. It is understood that Saul Centers has permission to build 26,000 more sf on the parcel between the flooring store and the gas station and that they may have permission to build 6000 sf in the corner of Lowe's parking lot across from Blockbuster. If we must, let them do this. Do not misunderstand this plea. Nothing stated herein in anyway expresses objection to growth—even growth beyond what is currently entitled. When it is properly planned growth is an asset to our city. In fact, we proposed plans for the increased development of these parking lots as long ago as 1991 and as recently as this summer.

Your own Mixed-Use Development Zone has among its stated Purposes and Objectives (Sec. 24-160D.1)

C:\Documents and Settings\Brian\Desktop\Saul Centers 03 10 11.doc

EXHIBIT A

DUANY PLATER~ZYBERK & COMPANY

ARCHITECTS AND TOWN PLANNERS

(b) "to encourage orderly, staged development of large-scale comprehensively planned, multi-use centers..."

The request for additional development before you is not part of a comprehensive plan. Before approving an increase in development rights with no obvious immediate benefits to the adjoining neighborhoods or the city, at least prepare a master plan to make certain that this added growth will not prevent the realization of appropriate future development of this property and the adjoining ones.

Another of the stated Purposes and Objectives of the MXD zone is

(e) "to assure compatibility of the proposed land uses with internal and surrounding uses by incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories and to provide a superior quality of development exceeding that which could be achieved under conventional zoning regulations and procedures."

This is "higher standards...than conventional zoning?!" This is "superior quality of development exceeding...conventional zoning?!" Not hardly! What is proposed IS conventional zoning. Gaithersburg is the city that made McDonald's ditch the golden arches, the city that is home to the first year-round traditional neighborhood built in this country in generations, the city that, rightly so, bills itself as Maryland's Smart Growth laboratory, the city that said "no" to a one-story Wal*Mart. No other city in the entire country enjoys such an impressive collection of distinctions! This is hard work and as one looks around Gaithersburg, well worth city leader's commitment to high standards for the growth of the city.

For the sake of the city's future and out of respect for the hard work of its past leaders, Ed Bohrer foremost among them, don't lower the standards now.

Please, require an urban design plan and design standards or better still and more simply a regulating plan indicating A & B streets, terminated vistas, building height and setbacks, parking areas and street standards for the entire area before any additional development is approved over that which is currently entitled. Your MXD Zone requires it. The foundation of excellence laid by your predecessors compels it. Your own past commitment to excellence warrants it. We all remember Mayor Bohrer introducing himself as the mayor of "Gaithersburg, MD, the best City in America." Mayor Katz, I've heard you do the same. Is this proposal yet worthy of "the best City in America?"

Sincerely,

Mike Watkins Director of Town Planning and, a resident of Kentlands

C:\Documents and Settings\Brian\Desktop\Saul Centers 03 10 11.doc

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council

VIA:

David Humpton, City Manager

FROM:

Daniel Janousek, Planner

DATE:

June 27, 2003

SUBJECT:

SDP-03-005 - Saul Holding Limited Partnership c/o Saul Center

Amendment to approved Schematic Development Plan SDP-3, Kentlands Section 1, Parcel L/Block Q, from 353,201 SF of building area to 373,201 SF of building area, in accordance with §24-160D.11 and §24-198(c) of the City Code. The subject property is located at 317 Kentlands Boulevard, bordered by Great Seneca Highway and Kentlands Boulevard. The subject property consists of approximately 33.75 acres of land and is zoned MXD

(Mixed Use Development).

At its regular meeting on June 18, 2003, the Planning Commission made the following motion:

Commissioner Levy moved, seconded by Commissioner Winborne, to recommend SDP-03-005 for approval to the Mayor and City Council, with the following conditions:

- 1. Applicant is to continue to work with staff on the final building layout and architectural design as well as the type and location of building signage. Final building layout, design, elevations and building signage are to be approved by the Planning Commission;
- 2. Applicant is to remove the access drive between Buildings D & E to provide an additional pedestrian-friendly plaza;
- 3. Applicant is to provide additional landscaping around the proposed buildings and pedestrian plazas between Buildings C & D and Buildings D & E for Planning Commission approval;



- 4. Applicant is to continue to work with staff on the streetscape design, including the street widths, sidewalk widths, street trees, planting strips, and sidewalk locations. The final streetscape design is to be reviewed and approved by the Planning Commission during the final site plan process; and
- 5. Before the granting of any parking waivers, the applicant is to execute a shared parking agreement that accommodates the off-site parking per the parking waiver request.

<u>Vote</u>: 5-0

